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10 Countess, Milligan, and Estes  
11

12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **JUAN ANGEL MARTINEZ, JR.,**

16 Plaintiff,

17 v.

18 **JAMES E. TILTON, et al.,**

19 Defendants.  
20

C 07-4684 CRB (PR)

**DECLARATION OF  
KENNETH T. ROOST IN  
SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

21 I, KENNETH T. ROOST, declare as follows:

22 1. I am an attorney admitted to practice before the courts of the State of California and  
23 before this Court. I am employed by the California Attorney General's Office as a Deputy  
24 Attorney General in the Correctional Law Section. I am assigned to represent Defendants Tilton,  
25 Scavetta, Horel, Silva, Vanderhoofven, McGuyer, Enos, Barneburg, Countess, Milligan, and  
26 Estes (Defendants) in this case. I am competent to testify to the following matter, and if called  
27 on to do so, I would and could so testify. I submit this declaration in support of Defendants'  
28 motion for summary judgment.

2. Attached as Exhibit A is a custodian-of-records declaration from Pelican Bay State Prison (PBSP) where Plaintiff Martinez is presently housed. This declaration was received with the remaining exhibits, and authenticates them.

3. Attached as Exhibit B is the administrative-grievance history for the grievance identified by appeal-log number C-06-02404 (excepting the Director's Level response), which concerns the confiscation of an incoming correspondence to Martinez.

4. Attached as Exhibit C is the administrative-grievance history for the grievance identified by appeal-log number C-07-00012 (excepting the First Level response), which concerns the confiscation of another incoming correspondence to Martinez.


5. Attached as Exhibit D is the Director's Level response for the grievance identified by appeal-log number C-07-00269, which concerns the confiscation of another incoming correspondence to Martinez.

6. Attached as Exhibit E is the administrative-grievance history for the grievance identified by appeal-log number C-06-03253, which concerns Pelican Bay State Prison's policy of placing point-of-origin stamps on outgoing inmate mail from the Secure Housing Unit.

7. Attached as Exhibit F are documents indicating that Martinez is a validated prison-gang associate of the Mexican Mafia, housed in Pelican Bay State Prison's Secure Housing Unit.

8. These attached documents were provided by the Custodian of Records in response to the Attorney General Office's request for inmate appeals from Plaintiff Martinez's Central File relevant to this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this declaration is executed on May 20, 2008, at San Francisco, California.

  
KENNETH T. ROOST  
Deputy Attorney General

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